



U.S. Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Ave. NW
Washington, DC 20530

Tel: (202) 616-5365

August 22, 2025

VIA CM/ECF

Molly C. Dwyer
Clerk of Court
The James R. Browning Courthouse
95 7th Street
San Francisco, CA 94103

RE: *Thakur v. Trump*, No. 25-4249

Dear Ms. Dwyer:

Yesterday, the panel in this case issued an opinion and order denying the government's motion for a partial stay of the district court's preliminary injunction pending appeal. Hours later, the Supreme Court issued an order in what Plaintiffs here have called a "nearly identical" case (Stay Opp. at 8), staying in relevant part a materially identical injunction that had enjoined the termination of research grants by the National Institutes of Health (NIH). The reasoning set forth by the Supreme Court's order and controlling opinions is squarely contrary to the rationale adopted by this Court in yesterday's order.

Notwithstanding Plaintiffs' preemptive Rule 28(j) letter, it is clear that the Supreme Court's decision fatally undercuts yesterday's stay denial. The government is thus evaluating whether to file a petition for rehearing of that order. In the meantime, the government agrees that Plaintiffs should "brief these issues" in their merits brief, "due Tuesday, August 26." Letter at 2.

Sincerely,

/s/ Yaakov M. Roth

Yaakov M. Roth
Counsel for Appellants

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